



MEMORANDUM

Date: September 12, 2006
To: Planning Commission
From: Community Development Department
Subject: Zoning Amendment, ZA-06-09: Myrtle-Latala

REQUEST

A request for approval of a Residential Planned Development (RPD), for a 6-lot single-family attached unit development located on an approximately 0.44 acre parcel on the south side of Myrtle Ave between Monterey Rd and Church St. (APN 817-01-022)

RECOMMENDATION

Environmental Assessment: The proposed amendment is categorically exempt under Section 15332 of the State CEQA Guidelines

Application ZA-06-09: Recommend City Council approval, subject to the findings and conditions contained in attached Resolution.

Processing Deadline: 1-30-07

BACKGROUND

The applicant had previously applied for 3 building allocations in the 2005 Measure C Residential Development Control System (RDCS) competition, but was not awarded allocations. The applicant is requesting the approval of an RPD at this time in order to develop three of a total of six units.

SITE DESCRIPTION

Location: 50 Myrtle Ave (APN 817-01-022)
Size: 0.44 acres (approximate)
Existing Zoning: Central Commercial Residential (CC-R)
Proposed Zoning: CC-R RPD
General Plan: Mixed Use

Surrounding Uses: North – Residential, South – Vacant & Commercial, East – Residential,
West - Residential

CASE ANALYSIS

The current zoning of the project site is Central Commercial Residential (CC-R) consisting of two legal lots of record. According to the CC-R zoning district, “A Residential Planned Development zoning designation is required for development of more than one contiguous parcel proposed by the same individual or entity” (Zoning Code 18.24.080). The zoning amendment would establish a RPD for a precise development plan for a 6-unit single family attached development. At this time, the applicant is proposing to develop Lots 1, 2, & 6 as allowed under the Residential Development Control System Exemption Policy (revised as of December 18, 2002) (replacement of one unit dwelling with a two unit dwelling; and construction of a single family dwelling on a vacant lot). The remaining three units will require building allocations through the RDCS.

The proposed RPD will also allow the site development standards including setbacks and minimum lot size to deviate from the standards associated with the CC-R zoning. A matrix showing the deviations from the standards for each lot is attached (Exhibit B of Attachment 1). The most significant deviations are the 9ft side setback on Lots 1 & 6 (which are more like rear yard setbacks) and the 9ft rear yard setbacks on Lots 2 & 5 that are much smaller than the required 20ft setback. This space will probably not be used like a typical backyard, however, lower maintenance needs may be a benefit for some potential homeowners. All common driveway areas including driveway aprons in front of garages, parking spaces, and other hard-scaped areas will have ingress/egress easements and maintained by a homeowners association.

RPDs are permitted when “in the opinion of the planning commission and approval of the city council, the proposed development will enhance the area in which it is proposed, by exceptional design and arrangement of buildings, provision of open space and landscaping, the protection and welfare and privacy of adjoining property, or the construction and reservation of housing units for lower income or senior households.” (Zoning Code 18.18.010) Typically, RPDs are associated with larger developments that are able to offer recreational amenities for residents, housing for lower income or seniors, or other enhancements that provide benefits to the city.

As previously stated, the provisions of the zoning code require establishing an RPD if development of more than one contiguous parcel by the same individual is proposed, as is the case with the proposed development. Unlike larger RPDs that are able to provide amenities to residents and other benefits to the city, RPDs established in this zoning district are inherently different. The intent of this provision is to provide compatible development, site design, circulation, and reduce potential impacts. The proposed precise development plan provides a circulation plan that could not otherwise be implemented and two guest parking spaces which are not required in the CC-R district, but are provided for the resident’s guests. The applicant is requesting flexibility in the site development standards which the RPD provisions allow for. By establishing the RPD, this development will provide infill housing in proximity to the urban core

at a higher density, while acceptable by this zoning district, than would otherwise be achievable without the RPD.

RECOMMENDATION

Staff recommends approval of the zoning amendment application subject to the findings and conditions contained in the attached Resolution No.

ATTACHMENTS

Attachment 1. Resolution
Attachment 2. Vicinity Map

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RESOLUTION NO. __-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL RECOMMENDING
APPROVAL OF A ZONING AMENDMENT TO
ESTABLISH A RESIDENTIAL PLANNED DEVELOPMENT
AND ADOPTION OF A PRECISE DEVELOPMENT PLAN
FOR A 6-UNIT SINGLE-FAMILY ATTACHED
DEVELOPMENT ON MYRTLE AVE BETWEEN
MONTEREY RD AND CHURCH ST. (APN 817-01-022)**

WHEREAS, such request was considered by the Planning Commission at their regular meeting of September 12, 2006, at which time the Planning Commission recommended approval of application ZA-06-09: Myrtle-Latala; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

SECTION 2. The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

SECTION 3. The project is categorically exempt from CEQA under Section 15332, In-Fill Development Projects.

SECTION 4. The Planning Commission finds that the proposed RPD Overlay District is consistent with the criteria specified in Chapter 18.18 of the Morgan Hill Municipal Code.

SECTION 5. The Planning Commission recommends amendment to the City Zoning Map as shown in the attached Exhibit "A".

SECTION 6. The Planning Commission hereby recommends approval of a precise development plan as contained in that certain series of documents dated August 28, 2006 (date of receipt) on file in the Community Development Department, entitled "Latala Family Ltd. Partnership 50 Myrtle Ave" prepared by Williams Residential Design/Build with the deviations to site development standards as described in Exhibit "B". These documents, and as amended as follows:

- (1) Subject to the provisions of Chapter 18.18, the applicant shall receive approval from the Architectural and Site Review Board (ARB) for site, architectural and landscape plans prior to the issuance of building permits;
- (2) An ingress/egress easement will be recorded on the common driveway including driveway aprons, parking areas, and other hardscaped areas; and
- (3) Front setbacks for Lots 2 & 5 shall be 13ft. The porches as shown on the site plan comply with Zoning Code 18.56.060 "Projections into required yards" which allow for exceptions to the front setbacks for porches.

PASSED AND ADOPTED THIS 12TH DAY OF SEPTEMBER, 2006, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

A F F I D A V I T

I, _____, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

_____, Applicant
(Type Name)

Date: _____

SCALE 1" = 60'

LANDS OF: LATALA FAMILY TRUST
50 MYRTLE AVENUE
MORGAN HILL

MYRTLE

30' AVENUE

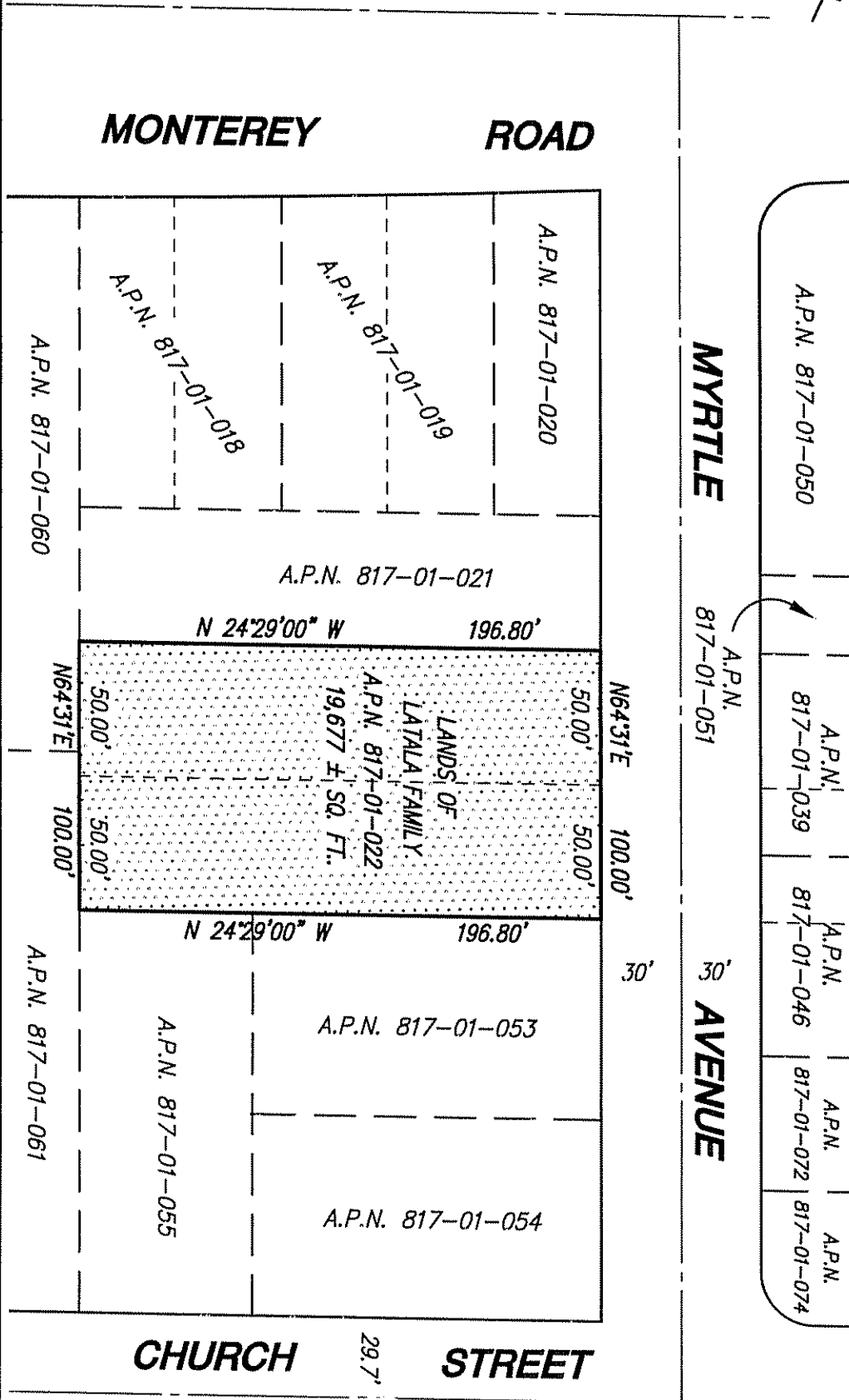


EXHIBIT A: REZONING PLAT
TO THE CITY OF MORGAN HILL
FROM CC-R TO CC-R RPD

AUG 28 2005

MH engineering Co.
16075 Vineyard Boulevard
Morgan Hill, CA 95037

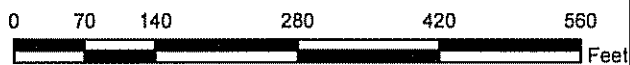
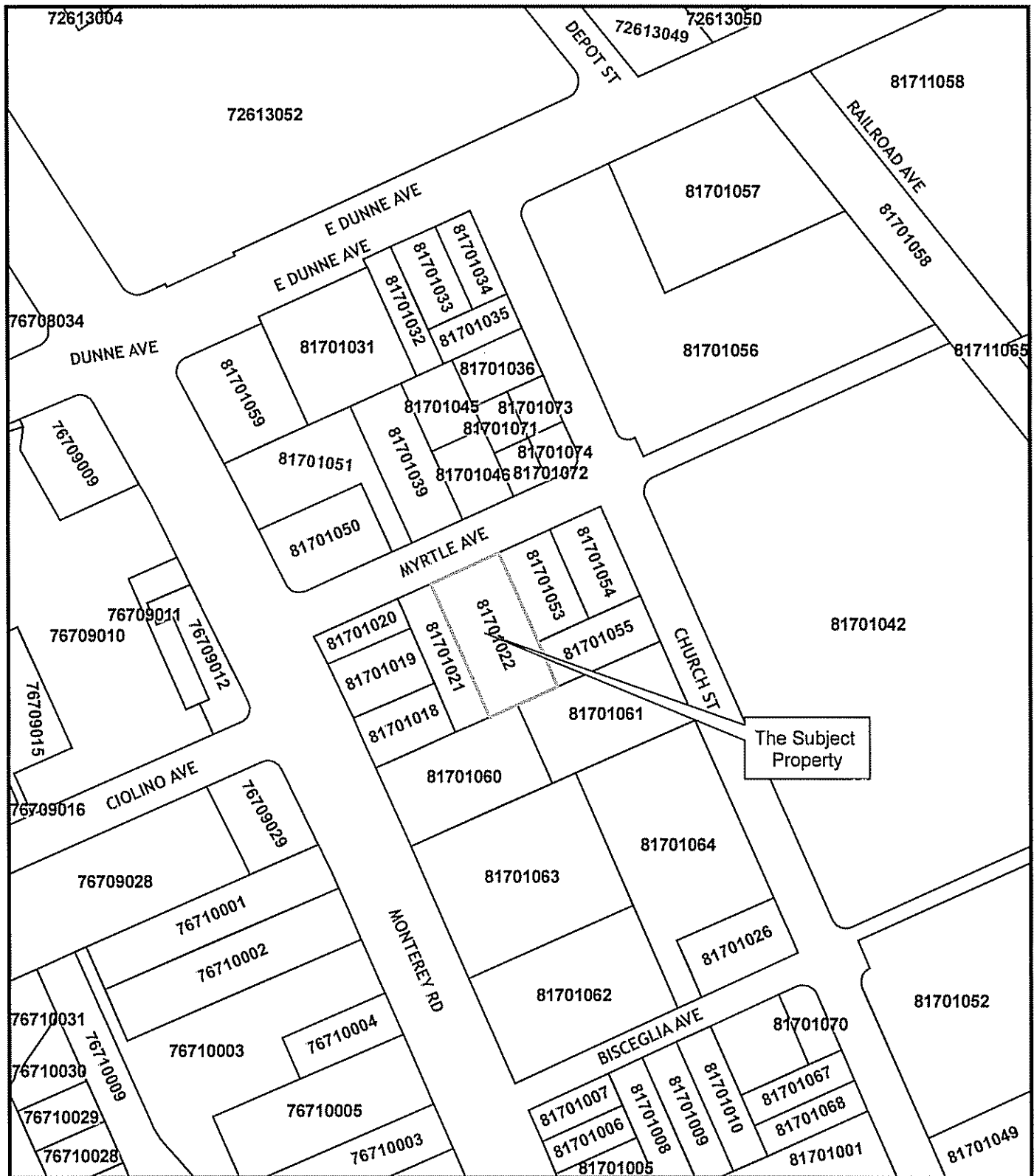
DATE 08/23/06
DRAWN BY: LMW

SHEET 1 OF 1
JOB #24164

**Exhibit B:
Deviations from Standard Site Development Standards**

ZA-06-09: Myrtle-Latala

Lot #	Minimum Lot Size 6,000 ft² Lot Size Deviation	Minimum Lot width 50' Lot Width Deviation	Minimum Lot Depth 100' Lot Depth Deviation	Min. Front Setback 25' Front Setback Deviation	Min. Side setback 5' Side Setback Deviation (left side while facing front)	Min. Side setback 5' Side Setback Deviation (right side while facing front)	Minimum Rear Setback 20' Rear Setback Deviation
1	3,454ft ²		69'	20'	0'		0'
2	3,204ft ²		50'	13'		0'	9'
3	3,191ft ²		64'	19'4"	0'		
4	3,191ft ²		64'	19'4"		0'	
5	3,204ft ²		50'	13'	0'		9'
6	3,454ft ²		69'	20'		0'	0'



ZA-06-09: Myrtle-Latala

Vicinity Map

